



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

WMP

Docket No: 9607-02

27 January 2003

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 January 2003. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Naval Reserve on 14 November 1997 for six years after almost two months of prior active service and eight years of reserve service.

The record shows that you actively participated as a member of the Naval Reserve for about four years. During this period of reserve service you received four enlisted performance evaluations covering from 15 September 1997 until 15 March 1991. In these evaluations you were recommended for advancement and retention with overall trait averages of 3.29, 3.29, 3.43. and 3.86, respectively. While on active duty with Naval Forces Europe you were awarded a Navy Achievement Medal.

You were recalled for a period of extended active duty on 6 November 2001. On 15 January 2002, you requested a hardship

discharge due to your inability, while on active duty, to provide for the care of your dependent children. Although the separation documents concerning this separation were not filed in your service record, it is clear that you submitted this request and that it was approved by your commanding officer.

Your record further reflects that you received an adverse enlisted performance evaluation for the period of 11 December 2001 to 18 January 2002 to document your substandard performance while on active duty. In this evaluation, you received adverse marks of 1.0 in the marking categories of quality of work, military bearing/character, personal job accomplishment/initiative, teamwork, and leadership. The overall evaluation mark was 1.57. The reporting senior stated that you had been an administrative burden, disrupted good order and discipline in your the department, not been receptive to orders and assignments, and emphasized displeasure with active duty assignment to your superiors and subordinates.

On 18 January 2002 you received a general discharge by reason of hardship, and were assigned an RE-4 reenlistment code.

The Board did not consider the characterization of your discharge since you have not exhausted your administrative remedies by first petitioning to the Naval Discharge Review Board. That Board is authorized to change the reason for separation and/or the characterization of your service. Enclosed is a DD Form 293 used for applying to that board.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your contention that you should have been demobilized vice being discharged by reason of hardship. However, the Board concluded that you were discharged by reason of hardship based on your written request, which was approved by your commanding officer. The hardship discharge was appropriate based on your request and your dependency situation at that time. Furthermore, your reenlistment code was correctly assigned as it reflected your overall performance during this period of active service and the fact that you were not recommended for either retention or advancement. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director